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Pol 19 PAC TT

XR Pol 33-4 PAC TT

INDICATE:
 COLLECT
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48

35B

DISTRIBUTION

ACTION: HICOMTERPACIS SAIPAN

INFO: CINCPAC
CINCPAC REP GUAM/TTPI
DISTAD TRUK

State

SUBJ: TTPI Ocean Jurisdiction

REFS: DISTAD TRUK Tels (a) 170616 Z May 71 and
(b) 170820 Z May 71; (c) Interior message 131928 Z
May 71; (d) State 086650 ~~086650~~

FOR D/PA and POLAD TRUK

Following is interagency group message:

1. Proposed Bill as worded in Reftel (b) is unacceptable to USG for following substantive reasons: (a) Fisheries zone does not provide in appropriate manner for QTE-traditional fishing UNQTE exception. (b) Inclusion seabed resources in exclusive zone is prejudicial to US Law of Sea position outlined in previous messages and below. Further, such inclusion raises complicated administrative problems, such as requirement for costly and lengthy process of establishing

(2)

DEPARTMENT OF STATE A/CDC/MR
~~SECRET~~
 REVIEWED BY Wep DATE FEB 25 1987
 RDS or XDS EXT. DATE _____
 TS AUTH. _____ REASON(S) _____
 ENDORSE EXISTING MARKINGS
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DRAFTED BY:

IO/UNP:FHodsoll:avw 2/19/71

DRAFTING DATE

5/19/71

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20573

APPROVED

UNP - John A. Armitage

CLEARANCES:

UNP - McIntyre, Sutter L/OA - Pitman S/FW - Blow Interior - Loesch, and
DOD - Cmdrs. Lynch, Kuhn EA/J - Hayashida Chapman
Commerce/NOAA - Wilson (info), Parsons (info)

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regulatory and enforcement procedures. (See Outer Continental Lands Act which establishes US machinery in this respect.) (c) Proposed Section 123 does not make exception for QTE vessels under jurisdiction of US UNQTE, i.e. US vessels other than USG vessels.

2. As you have pointed out in previous messages there is at present no significant seabed exploitation off TTPI, and it is unlikely between now and 1973 Conference that such exploitation will take place more than three miles off shore or at depths greater than 200 meters.

In addition, Geneva Convention on Continental Shelf re sovereign rights of coastal state to explore and exploit shelf resources is declaratory of customary international law and requires no legislation insofar as rights themselves are concerned. Further, President has proposed that nations adopt treaty in which they would renounce rights to

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seabed resources beyond water depth of 200 meters. US proposed treaty would also provide extensive benefits to international community in general, particularly developing countries. US proposal is currently before Seabed Comite acting as Preparatory Comite for 1973 LOS Conference. It is important in this respect that US or Territory for which it responsible take no action at this time which will prejudice its acceptability.

3. Therefore, we oppose inclusion seabed rights in proposed amendment to Trust Territory Code and cannot RPT not approve same.

4. If proposed Bill is limited to fisheries, we would prefer language set out in Reftel (c), as this language accords identical rights to those available re US fisheries off US coasts. However, if you consider it desirable to amend language proposed Reftel (b), we could accept

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proposed Bill as amended below:

5. BEGIN TEXT. A Bill for an act amending Title 19 of TT Code, by adding new sections and Chapter 4 to establish a fisheries zone of TT and for other purposes. Be it enacted by the Congress of Micronesia: Section 1. There is hereby added a new Chapter to Title 19 of the TT Code, to be designated as Chapter 4 and to have sections and to read as follows:

Chapter 4, Section 120. Definitions. As used in this Chapter, the following terms shall have the meanings ascribed to them in this section: QTE Fisheries UNQTE means the taking, planting, or cultivation of fish, mollusks, crustaceans or other forms of marine animal or plant life by any vessel or vessels; and the term QTE fish UNQTE includes mollusks, crustaceans, and all other forms of marine animal or plant life. ~~Section 121. Establish~~

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Section 121. Establishment of rights to fisheries. There is established a fisheries

zone contiguous to the territorial waters, as defined in Subsection (3) Section 101 of Title 19 of TT Code.

The TT Government will exercise the same exclusive rights in respect to fisheries in the zone as it has in its territorial waters, except as otherwise expressly provided by international agreement to which the United States is a party.

Section 122. Description of boundaries. The fisheries zone has as its inner boundary the outer limits of the territorial waters and as its seaward boundary a line drawn so that each point on the line is nine nautical miles from the nearest point in the inner boundary.

Section 123. Unlawful Acts. It is unlawful, except as provided in Section 121 of this Chapter, for any vessel, or for any master or other person in charge of such

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vessel, to engage in fisheries within the fisheries zone which appertains to the TT, provided, however, that this section shall not apply to any vessel of the TT or of the US or under the jurisdiction of the US. Any violation of this section shall be subject to the penalties prescribed in Section 107, Chapter 3 of this title.

Section 2. This Act shall take effect upon its approval by the High Commissioner. END TEXT. LOESCH SENDS

END

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